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No. 75-774

In the Supreme Court of the United States

OCTOBER TERM, 1975

BIG RIVERS ELECTRIC CORPORATION, ET AL., PETITIONERS

v.

ENVIRONMENTAL PROTECTION AGENCY, ETC.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

MEMORANDUM FOR THE FEDERAL RESPONDENTS IN OPPOSITION

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The Environmental Protection Agency takes the same position with respect to this petition for a writ of certiorari as that stated in its brief in opposition in *Tennessee Valley Authority* v. *Environmental Protection Agency,* No 75-787, a copy of which we are serving on petitioners here. Both cases raise the same issues and are petitions for certiorari from the same decision.

It is therefore respectfully submitted that the petition for a writ of certiorari should be granted if the Court agrees the case is moot, in which event the judgment

should be vacated and the case remanded for dismissal as moot. Otherwise, the petition should be denied.

ROBERT H. BORK,
Solicitor General.

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FEBRUARY 1976.